

be in an excellent position to provide service to the ports in Iberia, West St. Mary, and Morgan City. It would be closer to dispatch an inspector to those locations from Lafayette than from the port office in Galliano.

It would also reduce the operating costs of recipients of Customs services, thereby greatly improving prospects for international trade. The port expansion would enable Customs to service the proposed points of entry without establishing separate port administrations.

Proposed Extended Port Limits

The proposed extended geographic limits of the Morgan City port of entry are as follows: In the State of Louisiana: All of the territory within the Parishes of Iberia, Lafayette, Lafourche, St. Mary, and Terrebonne; the Corporate limits of the town of Grand Isle; and that portion of the right-of-way pertaining to State Highway 1 extending in a northeasterly direction from the Lafourche Parish and Jefferson Parish boundary line to the corporate limits of the town of Grand Isle.

If this proposed extension of the Morgan City port of entry limits is adopted, the list of Customs regions, districts and ports of entry in 19 CFR 101.3(b) will be amended accordingly.

Comments

Prior to adoption of this proposal, consideration will be given to written comments timely submitted to Customs. Submitted comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11 (b), Customs Regulations (19 CFR 103.11 (b)), on regular business days between the hours of 9 a.m. and 4:30 p.m., at the Regulations Branch, Office of Regulations and Rulings, 1099 14th Street, NW., suite 4000, Washington DC.

Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66, and 1624.

The Regulatory Flexibility Act and Executive Order 12866

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Thus, although this document is being issued with notice for public comment, because it relates to agency management and organization, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553.

Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this proposed port extension are exempt from consideration under Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: April 16, 1994.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-4882-8]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency. **Action:** Notice of intent to delete the Bioclinical Laboratories site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces its intent to delete the Bioclinical Laboratories (BCL) site from the National Priorities List (NPL) and requests public comment on this action. The NPL is appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that no further action is appropriate at the BCL site under CERCLA. Moreover, EPA and the State have determined that activities conducted at the BCL site to date have been protective of public health, welfare, and the environment. **DATES:** Comments concerning the deletion of the BCL site from the NPL may be submitted on or before May 9, 1994.

ADDRESSES: Comments concerning the BCL site deletion may be mailed to:

Mr. Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, room 29-

100, 26 Federal Plaza, New York, New York 10278.

Background information on the BCL site is contained at the EPA Region II public docket, located at EPA's Region II office, and is available for viewing, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. For further information, or to request an appointment to review the public docket, please contact Mr. Damian J. Duda at (212) 264-9589.

The public docket on the BCL site is also available for viewing at the document repositories located at:

Connetquot Public Library, 760 Ocean Avenue, Bohemia, New York 11716; and

Sachem Public Library, 150 Holbrook, Holbrook, New York 11741.

The formal and more comprehensive Administrative Record for the BCL site is located at the Connetquot Library only.

FOR FURTHER INFORMATION CONTACT: Damian Duda at (212) 264-6589.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

EPA Region II announces its intent to delete the BCL site from the NPL and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at such sites warrant such action.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the BCL site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425 (e), sites may be deleted from the NPL where no further response is appropriate. In making this

determination, EPA will consider whether any of the following criteria has been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is inappropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the BCL site:

1. EPA Region II has recommended deletion and has prepared the relevant documents. EPA has also made all relevant documents available in the Regional office and local BCL site information repositories.
2. The State of New York has concurred with the deletion decision.
3. Concurrent with this national Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate Federal, state and local officials and other interested parties. This notice announces a thirty (30) day public comment period on the deletion package starting on May 9, 1994 and concluding on June 7, 1994.

The comments received during the comment period will be evaluated before any final decision is made. If necessary, EPA Region II will prepare a Responsiveness Summary which will address any comments received during the public comment period.

If, after consideration of these comments, EPA decides to proceed with deletion, the EPA Regional Administrator will place a notice of deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

IV. Basis for Intended Site Deletion

The BCL site is located at 1585 Smithtown Avenue in the Hamlet of Bohemia, Town of Islip, Suffolk County, New York and is approximately 0.5 mile south of Long Island's MacArthur Airport.

The BCL site consists of a 10-unit (A-J), one-story building situated on a 2.6-acre paved lot. The building has approximately 39,000 square feet of floor space. The building is serviced by two distinct on-site sanitary systems, each consisting of a septic tank, distribution pool, and related storm drain drywells, located south of the building on the east and west sides.

BCL was founded in 1972 to formulate and repackage industrial chemicals for wholesale distribution to manufacturers and previously occupied Unit I of the 10-unit building. BCL utilized the east sanitary system. In 1984, BCL moved its operations to another location. As of April 1990, BCL had ceased operations altogether.

Panatone Finishing Corporation (Panatone), which leased Unit D, was determined to be another source of organic and inorganic contamination at the BCL site. Panatone was involved in the preparation and application of finished metal products and discharged to the west sanitary system of the building. Panatone is no longer in operation.

Previous BCL site investigations showed that there had been:

- (1) Unregulated discharges to the on-site sanitary systems and to an on-site leaching pool; and
- (2) Unacceptable raw material (chemicals) and waste handling practices which resulted in frequent spills to the surface soils.

The BCL site was proposed for the NPL on June 1, 1986 (52 FR 21099) and was promulgated final to the NPL on March 31, 1989 (54 FR 13296).

Historically, the Suffolk County Department of Health Services (SCDHS) issued enforcement actions against both BCL and Panatone, and some cleanup actions had been performed, with the most recent cleanup action occurring in May 1992.

Under the direction of EPA, Ebasco Services, Inc. conducted a remedial

investigation (RI) from May 1989 to March 1992 to characterize the geology, groundwater hydrology and chemical quality of the soils and groundwater at the BCL site. The investigation consisted of sampling the suspected source areas, the subsurface soils, the surface soils and the sediments and liquids in the two sanitary systems, a soil-gas survey, monitoring well installation (on-site and off-site), well-point sampling, groundwater sampling and geotechnical testing. All sampling results, both organic and inorganic, were compared with New York State and Federal applicable or relevant and appropriate requirements (ARARs).

Four rounds of groundwater sampling data, taken over the course of over two years, indicated isolated organic and inorganic contamination; in some cases, State or Federal maximum contaminants levels (MCLs) were exceeded. The contamination was determined to be the result of the following non-site related conditions: (1) Background or upgradient conditions; (2) high total suspended solids in some samples, which were not representative of the quality of the groundwater; and/or (3) ongoing discharges to the existing sanitary systems. The concentrations of contaminants in the sanitary sediments/aqueous samples were also found to be related to ongoing discharges into the existing sanitary systems.

At the conclusion of the RI process, EPA, in consultation with the State of New York, issued a Record of Decision (ROD) on September 30, 1992, that determined that the BCL site does not pose a significant threat to human health or the environment and that no further action was required.

Having met the deletion criteria, EPA proposes to delete the BCL site from the NPL.

Dated: April 8, 1994.

Kathleen C. Callahan,

Acting Regional Administrator.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration 42 CFR Parts 434 and 435

[MB-044-P]

RIN 0938-AF15

Medicaid Program; Requirements for Certain Health Insuring Organizations and OBRA '90 Technical Amendments

AGENCY: Health Care Financing Administration (HCFA), HHS.